



Higher Education Support Amendment (VET FEE-HELP and Tertiary Admission Centres) Act 2009

No. 121, 2009

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 121, 2009

An Act to amend the *Higher Education Support Act 2003*, and for related purposes

[Assented to 7 December 2009]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Higher Education Support Amendment (VET FEE-HELP and Tertiary Admission Centres) Act 2009*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—VET FEE-HELP

Higher Education Support Act 2003

1 Subsection 137-18(2)

Repeal the subsection, substitute:

- (2) The amount of the *VET FEE-HELP debt is:
- (a) 120% of the loan; or
 - (b) if the *VET FEE-HELP Guidelines specify a lesser percentage of the loan for the person—that lesser percentage of the loan.

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

2 Application

The amendment of section 137-18 of the *Higher Education Support Act 2003* made by this Schedule applies to VET FEE-HELP debts (incurred before, on or after the commencement of the amendment) relating to VET units of study whose census dates are on or after 1 July 2009.

3 Paragraph 6(g) of Schedule 1A

Omit “relating to *VET credit transfer arrangements”.

4 Application

The amendment of clause 6 of Schedule 1A to the *Higher Education Support Act 2003* made by this Schedule applies in relation to decisions made on or after the commencement of the amendment on applications for approval as a VET provider, whether the applications were made before, on or after that commencement.

5 Paragraph 45(1)(a) of Schedule 1A

Omit “relating to *VET credit transfer arrangements”.

6 After subclause 45(1) of Schedule 1A

Insert:

(1A) For the purposes of paragraph (1)(a), the *VET FEE-HELP Guidelines:

- (a) may set out different requirements relating to different students undertaking the *VET unit of study; and
- (b) may set out requirements relating to only some students undertaking the VET unit of study (while not setting out requirements relating to other students undertaking the unit).

7 Application

The amendments of clause 45 of Schedule 1A to the *Higher Education Support Act 2003* made by this Schedule apply to VET units of study whose census dates are on or after 1 July 2009.

8 Paragraph 99(1)(a) of Schedule 1A

Omit “Part”, substitute “provisions”.

9 Paragraph 99(1)(b) of Schedule 1A

Omit “that Part”, substitute “those provisions”.

10 Subclause 99(1) of Schedule 1A (cell in table heading, column headed “Part”)

Repeal the cell, substitute:

Provisions

11 Subclause 99(1) of Schedule 1A (cell in table item 2, column headed “Part”)

Repeal the cell, substitute:

Section 137-18 and Part 2

12 Transitional—guidelines made under clause 99 of Schedule 1A to the *Higher Education Support Act 2003*

- (1) Guidelines in force under clause 99 of Schedule 1A to the *Higher Education Support Act 2003* immediately before the commencement of the amendments of that clause by this Schedule have effect after that commencement as if they had been issued under that clause as amended by this Schedule.
- (2) Subitem (1) does not prevent the repeal or amendment of the guidelines.

Schedule 2—Tertiary Admission Centres

Higher Education Support Act 2003

1 Section 179-5 (paragraph (b) of the definition of *Personal information*)

After “purposes of”, insert “Chapter 2 or”.

2 At the end of subsection 179-15(1)

Add:

; or (d) the person is or was an *officer of a Tertiary Admission Centre (see subsection (3B)).

3 After subsection 179-15(3A)

Insert:

(3B) A person is an *officer of a Tertiary Admission Centre* if the person is:

- (a) an officer or employee of the *Tertiary Admission Centre; or
- (b) a person who, although not an officer or employee of the Tertiary Admission Centre, performs services for or on behalf of the Tertiary Admission Centre.

4 At the end of subsection 179-15(4)

Add:

; or (d) for an *officer of a Tertiary Admission Centre—service as such an officer.

5 After paragraph 179-20(ca)

Insert:

- (cb) disclosure by a Commonwealth officer of personal information to an *officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act;

6 After paragraph 179-20(e)

Insert:

- (ea) disclosure by an officer of a Tertiary Admission Centre of personal information to a Commonwealth officer to assist the Commonwealth officer in the Commonwealth officer's official employment;

7 At the end of section 179-20

Add:

- ; (h) disclosure by an officer of a higher education provider of personal information to an officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act;
- (i) disclosure by an officer of a Tertiary Admission Centre of personal information to an officer of a higher education provider to assist the provider's officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act.

8 At the end of subsection 179-25(1)

Add:

- ; or (d) in the case of an *officer of a Tertiary Admission Centre—to assist the officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Act.

9 At the end of paragraph 179-35(1)(d)

Add:

- ; (v) the personal information is held on a computer of a *Tertiary Admission Centre;
- (vi) the personal information is held on behalf of a Tertiary Admission Centre.

10 After paragraph 74(1)(a) of Schedule 1A

Insert:

- (aa) the person is or was an *officer of a Tertiary Admission Centre (see subsection 179-15(3B)); or

11 After paragraph 74(3)(a) of Schedule 1A

Insert:

-
- (aa) for an *officer of a Tertiary Admission Centre—service as such an officer; or

12 After paragraph 75(c) of Schedule 1A

Insert:

- (ca) disclosure by a Commonwealth officer of VET personal information to an *officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule;

13 At the end of clause 75 of Schedule 1A

Add:

- ; (e) disclosure by an officer of a VET provider of VET personal information to an officer of a Tertiary Admission Centre to assist the officer of the Tertiary Admission Centre in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule;
- (f) disclosure by an officer of a Tertiary Admission Centre of VET personal information to a Commonwealth officer to assist the Commonwealth officer in the Commonwealth officer's official employment;
- (g) disclosure by an officer of a Tertiary Admission Centre of VET personal information to an officer of a VET provider to assist the provider's officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule.

14 After paragraph 76(1)(a) of Schedule 1A

Insert:

- (aa) in the case of an *officer of a Tertiary Admission Centre—to assist the officer in performing duties or functions, or in exercising powers, under, or for the purposes of, this Schedule; or

15 At the end of paragraph 78(1)(d) of Schedule 1A

Add:

- ; (iii) the VET personal information is held on a computer of a *Tertiary Admission Centre;

- (iv) the VET personal information is held on behalf of a Tertiary Admission Centre.

16 Subclause 1(1) of Schedule 1

Insert:

officer of a Tertiary Admission Centre has the meaning given by subsection 179-15(3B).

17 Subclause 1(1) of Schedule 1

Insert:

Tertiary Admission Centre means a person, body or organisation that provides services in relation to student admissions and enrolments on behalf of:

- (a) higher education providers; or
- (b) *VET providers; or
- (c) both higher education providers and VET providers.

[Minister's second reading speech made in—
House of Representatives on 9 September 2009
Senate on 23 November 2009]

(161/09)
